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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3767 OF 2007

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.Subhash Jha i/b Ms.Shaila R. Pandey for the applicant.

Mrs.M.M. Deshmukh, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 21ST NOVEMBER 2007

P.C. :

1. Heard learned counsel for the applicants and the learned A.P.P. for the State.

2. This application has been filed under section 438 of Cr.P.C. for anticipatory bail. According to the applicants, an offence under sections 324 and 506(II) of I.P.C. has been registered against them under C.R. No.313/2007 at Dahisar Police Station.

3. The applicants had previously moved an application for anticipatory bail before the Additional Sessions Judge. By

an order dated 13th November 2007, the said application was rejected on the ground that offence under section 324 of I.P.C. is bailable and, therefore, no application for anticipatory bail was maintainable. I do not find any fault with the said finding.

4. Learned counsel for the applicants submitted that an offence under section 506(II) of I.P.C. is a non-bailable offence so far as Districts of Thane and Mumbai are concerned. Perusal of the text book shows that an offence under section 506(II) of I.P.C. is also a bailable offence. No notification has been shown to me pointing out that an offence under section 506(II) of I.P.C. is made non-bailable in respect of Districts of Thane and Mumbai.

5. In the circumstances, the present application is not maintainable. Accordingly, application for anticipatory bail is rejected.

(D.G. KARNIK, J.)